

AMENDED IN SENATE AUGUST 6, 2002

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AMENDED IN SENATE MAY 28, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2361**

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**Introduced by Assembly Member Cedillo**

February 21, 2002

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An act to amend Section 5440 of, and to add Section 5442.13 to, the Business and Professions Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2361, as amended, Cedillo. Transportation.

The Outdoor Advertising Act regulates placement of advertising signs adjacent to and within specified distances of highways that are part of the national system of interstate and defense highways and federal-aid highways. The act prohibits advertising displays from being placed or maintained on property adjacent to a section of a freeway that has been landscaped, with certain exceptions. A violation of the act is a misdemeanor.

This bill would authorize an advertising display in the City of Los Angeles by a not-for-profit educational academy subject to specified conditions.

Because a violation of the bill's provisions would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 5440 of the Business and Professions  
2 Code is amended to read:  
3 5440. Except as otherwise provided in this article, no  
4 advertising display may be placed or maintained on property  
5 adjacent to a section of a freeway that has been landscaped if the  
6 advertising display is designed to be viewed primarily by persons  
7 traveling on the main-traveled way of the landscaped freeway.  
8 SEC. 2. Section 5442.13 is added to the Business and  
9 Professions Code, to read:  
10 5442.13. (a) Notwithstanding any other provision of this  
11 chapter, Section 5440 shall not prohibit an advertising display in  
12 the City of Los Angeles by a not-for-profit educational academy  
13 ~~under~~, which is exempt from taxation pursuant to Section  
14 501(c)(3) of Title 26 of the United States Code, if all of the  
15 following conditions are met:  
16 (1) The exception provided by this section is limited to only one  
17 advertising display.  
18 (2) The site of the academy is located immediately adjacent to  
19 State Highway Routes 10 and 110 in the City of Los Angeles.  
20 (3) The academy's curriculum focuses on providing arts and  
21 entertainment business education.  
22 (4) The advertising display is constructed on the roof of the  
23 academy's facility.  
24 (5) The advertising display meets the requirements set forth in  
25 Sections 5405 and 5408.  
26 (6) Placement or maintenance of the advertising display does  
27 not require the immediate trimming, pruning, topping, or removal  
28 of trees located on a state highway right-of-way to provide  
29 visibility to the advertising display, unless done as part of the  
30 normal landscape maintenance activities that would have been  
31 undertaken without regard to the placement of the display.



1 (7) Revenues accruing to the academy from the advertising  
2 display are used exclusively for the acquisition, operation, and  
3 improvement of the academy.

4 (b) An advertising display erected pursuant to this section shall  
5 not advertise products or services that are directed at an adult  
6 population, including, but not limited to, alcohol, tobacco,  
7 gambling, or sexually explicit material.

8 (c) If an advertising display erected pursuant to this section is  
9 removed for purposes of a transportation project undertaken by the  
10 department, the display owner shall be entitled to relocate that  
11 advertising display with no compensation for the removal or  
12 relocation, and the relocation shall be limited to a site on the  
13 property of the academy specified in subdivision (a).

14 (d) An advertising display erected pursuant to this section shall  
15 not cause a reduction in federal aid highway funds, as provided in  
16 Section 131 of Title 23 of the United States Code.

17 (e) If the academy specified in subdivision (a) closes or  
18 otherwise ceases to operate, the advertising display permitted  
19 under this section shall no longer be authorized and shall be  
20 removed from the property of the academy.

21 (f) The academy specified in subdivision (a) shall prepare an  
22 audit of the revenues generated by the advertising display  
23 authorized under this section that includes, but is not limited to, the  
24 total revenues generated from the display, the amount of revenues  
25 received by the academy, and the expenditures and uses of the  
26 revenue. The audit shall be submitted to the Controller and the  
27 Legislature on or before January 1, 2007, and every four years  
28 thereafter.

29 SEC. 3. No reimbursement is required by this act pursuant to  
30 Section 6 of Article XIII B of the California Constitution because  
31 the only costs that may be incurred by a local agency or school  
32 district will be incurred because this act creates a new crime or  
33 infraction, eliminates a crime or infraction, or changes the penalty  
34 for a crime or infraction, within the meaning of Section 17556 of  
35 the Government Code, or changes the definition of a crime within  
36 the meaning of Section 6 of Article XIII B of the California  
37 Constitution.